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March 23, 2023

Hon. Lewis J. Liman, U.S.D.J.  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

*Via ECF*

**Re: 689 Eatery Corp., etc. et ano. v. City of New York, et al.,  
Docket No. 02 CV 4431 (LJL) (“Action No. 1”)**

**59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,  
Docket No. 02 CV 4432 (LJL) (“Action No. 2”)**

**Club at 60th Street, et al. v. City of New York  
Docket No. 02 CV 8333 (LJL) (“Action No. 3”)**

**336 LLC, etc, et al. v. City of New York  
Docket No. 18 CV 3732 (LJL) (“Action No. 4”)**

Dear Judge Liman:

By letter dated January 6, 2022, Mark Muschenheim, Esq., had reported to Your Honor on behalf of counsel for all parties that we had agreed on page limits for the upcoming round of briefing (due March 28, 2023 pursuant to Your Honor’s Order entered January 5, 2023) of 75 pages for the Club plaintiffs’ memorandum in opposition to the City’s motion for summary judgment, and 75 pages for the Club plaintiff’s memorandum in support of their cross-motion for summary judgment - - a total of 150 pages. Your Honor approved those page limits on January 6, 2022. Counsel have subsequently agreed on the filing of a single, combined memorandum, addressing both the City’s motion and the Club plaintiffs’ cross-motion, which was informally discussed with Your Honor at the January 3, 2023, conference. That memorandum is in the final stages of being drafted, will be

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timely filed, and will be approximately 90 – 95 pages long (instead of the combined total of 150 pages). We have consulted with the City attorneys, who have agreed to accept a single, combined memorandum of that length. It is also unclear to counsel whether we need an Order authorizing the filing of this single, combined memorandum, or not. Accordingly, in an excess of caution, we request the Court's permission to file our single, combined memorandum, not to exceed 95 pages.

For the avoidance of confusion, we are also taking the liberty of noting that the Bookstore plaintiffs will still be joining the Club plaintiffs' briefing and filing a separate brief, not to exceed 25 pages in length, in accordance with the January 6, 2022, arrangements approved by the Court.

As always, we thank the Court for its time and attention.

Respectfully,  
*Edward S. Rudofsky*  
Edward S. Rudofsky

Cc: All Counsel (Via ECF)